

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

LUIS A. ACEVEDO GARCIA, ET ALS.

Plaintiffs

vs.

HON. ROBERTO VERA-MONROIG,
ET ALS.

Defendants

Civil No.: 97-2639(JP)

REPLY TO DEFENDANT'S MOTION

TO THE HONORABLE COURT:

COMES NOW plaintiffs, through the undersigned attorney, who very respectfully states and prays as follows:

Defendant's motion (572) far from being in opposition to our previous motion (570) it reiterates the merits of our motion.

First, the fact that one of the plaintiffs passed away without receiving the benefits of the judgment he was entitled to, is admitted by defendants.

Second, the Municipality of Adjuntas chose the consignment of funds through the clerk knowing that this procedure would delay the receiving of the partial payment by plaintiffs.

Third, when defendant states that the mayor is complying with the orders of this Honorable Court, the fact is that what the mayor is doing is complying with his proposed plan which we objected.

Fourth, the denial of Law 9 (32 LPRA 2092) issued was solved by defendants by sending a second letter to which no response was made. If defendants had filed a

Mandamus as we suggested upon receiving of the April 18, 2007 letter from the Justice Department and taking as valid what defendants state in their motion that this denial, respond to purely political affiliation and discrimination, by today a Judgment in favor of defendants through a Mandamus against the Justice Department probably would have been entered.

We have no idea of what defendants refer to when they say that as far as they can recall the issue of the Mandamus was left pending the result of the November elections.

As to the procedure used by the Municipality of Yauco in a similar not identical situation the Mayor of Yauco sued the Justice Department in State Court through a Mandamus to activate Law 9 but before, he took all the necessary steps in order to prove that Law 9 had to be activated because they didn't have the necessary funds to pay the attorneys needed to defend themselves in a claim before the Federal Court. They presented to the Court that they could prove that they had made all the economies and that they are not incurring in unnecessary expenses and as stated in our previous motions, the Mayor of Yauco went as far as to the reduction of salaries including his own by 50%.

Defendants are not correct when they state that an order of at least 1/3 of the budget be reserved for the payment of this Judgment would put in jeopardy the basic services and the firing of many employees. These can be done with serious economies as other municipalities have done and if ordered by the court in no way would this provoke another law suit, as the one before this court that was for political discrimination.

Fifth, as to the trip to Spain the fact that the Mayor of Adjuntas filed a Certiorari before the Supreme Court means that the Superior Court and the Appellate Court issued Judgments against the Mayor of the City of Adjuntas.

We reiterate that this Honorable Court has the power to enforce the Judgment. The enforcement of a Judgement is the proper way to proceed once the Judgment becomes final and the only way that Law 9 can be enforced as to the payment of the Judgment. Once this Honorable Court orders the payment of the Judgment and the City of Adjuntas can prove that they cannot comply with the order after making all the necessary economic adjustments, then and only then the Secretary of Justice has no discretion to deny the activation of Law 9 as to the payment of this Judgment.

WHEREFORE, It is respectfully requested that this motion **BE GRANTED**.

I hereby certify that on this date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the attorneys on record.

RESPECTFULLY SUBMITTED.

In Aguadilla, Puerto Rico, this 30 day of junio 2008.

s/ Israel Roldán González

ISRAEL ROLDAN GONZALEZ

USDC-P.R. 115602

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